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The War on Afghanistan Was Wrong, Too

by Jacob G. Hornberger

While most Americans have turned against the Iraq War, many of them still think that the war on Afghanistan was morally and legally justified. Their rationale is that the United States was simply defending itself by attacking Afghanistan and retaliating against those who had conspired to commit the 9/11 terrorist attacks. Of course, the last thing on people's mind was that the 9/11 perpetrators themselves were retaliating for the bad things that the U.S. government had long been doing to people in the Middle East.

In fact, the irony of the attacks on both Afghanistan and Iraq is that both actions are simply a continuation of regime-change operations that have long characterized U.S. foreign policy, operations that are in large part responsible for much of the anger that foreigners have for the United States.

For example, there was the regime-change operation in Iran in 1953, where the CIA successfully ousted the democratically elected prime minister of Iran, Mohammed Mossadegh, and replaced him with the shah of Iran, whose brutal dictatorship ultimately culminated in the Iranian revolution in 1979. Not surprisingly, Iranians are still angry about that U.S.-imposed regime change.

There was also Guatemala in 1954, where the CIA successfully ousted the democratically elected president of Guatemala, Jacobo Arbenz, which led to the decades-long civil war that killed hundreds of thousands of Guatemalan citizens. There were Chile, Panama, Nicaragua, and Grenada. And, of course, there were the unsuccessful regime-change operations against Cuba.

In the Middle East, there was the U.S. support of Saddam Hussein, including the furnishing of weapons of mass destruction to him to use against Iranians, whose regime was no longer friendly to the United States after the 1979 revolution. There was the Persian Gulf intervention, which was followed by the brutal sanctions against Iraq, whose purpose was to bring about regime change after the United States turned against Saddam. There was the implicit U.S. endorsement of Madeleine Albright's famous statement that the deaths of half a million Iraqi children from the sanctions against Iraq had been "worth it." There was the unconditional

financial and military support of the Israeli government. And there was the stationing of U.S. troops on Islamic holy lands, with full knowledge of the adverse effect such an action would have on Muslim religious sensitivities.

Long before the 9/11 attacks, the terrorists who had struck the World Trade Center in 1993 had cited, as had Osama bin Laden and al-Qaeda, those foreign policies as the basis for their grievances against the United States.

Therefore, it is ironic that U.S. officials used the 9/11 attacks to do the kind of thing they had long been already doing and which had in fact motivated the 9/11 attacks: regime-changing nations whose regimes were not inclined to obey U.S. orders. In what has become a customary perverse consequence of U.S. policies, the invasions of both Iraq and Afghanistan have not only produced chaos, death, and destruction, they have also ensured a steady stream of terrorist recruits to al-Qaeda and other groups that hate the United States more than ever. It is almost as if U.S. officials were saying after 9/11, “We are going to show you that your attacks will not cause us to change our ways, and our invasions of Afghanistan and Iraq will be our proof.”

After the 9/11 attacks, here at The Future of Freedom Foundation we recommended that the U.S. government not use the U.S. military to attack Afghanistan as a way to get bin Laden. We recommended instead that U.S. officials treat the attacks as a criminal-justice problem rather than a military problem.

After all, that’s the way that the federal government has always treated terrorism — as a criminal violation of federal statutes against terrorism. That was, in fact, how the government treated the 1993 terrorist attack on the World Trade Center, in which one of the perpetrators was a Kuwaiti man of Pakistani descent named Ramzi Yousef who was residing in Pakistan. Rather than invade Pakistan to capture or kill Yousef, which would have killed and maimed countless Pakistanis, U.S. officials simply bided their time until he was arrested in Pakistan and brought to New York for trial. It took time, but that’s the way the criminal-justice system often works. Sometimes a criminal is arrested immediately, sometimes much later, sometimes never. By the way, at Yousef’s sentencing, he angrily cited U.S. foreign policy as the basis for his grievances.

Recall that in the wake of the 9/11 attacks, there was a tremendous outpouring of sympathy and empathy all over the world for the United States. If U.S. officials had exercised wisdom, instead of reacting in a knee-jerk military fashion, they could have capitalized on those positive feelings by isolating bin Laden and the rest of his gang. Immediately after the attacks, we recommended offering a huge financial reward for the arrest of bin Laden and his cohorts and bringing them to trial. We pointed to the “letters of marque” that are authorized in the Constitution for such captures.

If President Bush had announced to the world that the United States would not kill innocent people in the quest to bring bin Laden and other members of al-Qaeda to justice, the entire world would have remained sympathetic to the United States. Bin Laden and al-Qaeda

would have been isolated, not knowing who would turn them in to the authorities. Compare that to the situation in the world today, where countless ordinary people all over the world are filled with rage over the invasions and occupations of Afghanistan and Iraq, not to mention the torture and sex-abuse scandals at Guantanamo Bay, Abu Ghraib, and elsewhere. Moreover, even U.S. intelligence agencies are admitting that the continuous killings of Afghans and Iraqis continue to provide al-Qaeda with a steady stream of recruits.

The Taliban and bin Laden

Another major problem with the attack on Afghanistan was the one that most U.S. presidents and, alas, most Americans, have chosen to ignore for the past several decades: that the U.S. Constitution requires the president to secure a congressional declaration of war from Congress before waging war against another country. Bush failed to do that.

Why did Bush order an invasion of Afghanistan? Not because he believed that the Taliban had conspired with al-Qaeda to commit the 9/11 attacks and not because he felt that the Taliban had committed some act of war against the United States by knowingly “harboring” a known fugitive.

Instead, Bush ordered the invasion of Afghanistan for one reason: the Taliban government refused to comply with his demand to unconditionally deliver bin Laden to the United States. He always made it clear that if the Taliban delivered bin Laden to the United States, such action would spare Afghanistan from a U.S. invasion. The “offer” that he made to the Taliban was not significantly different from that made to Pakistani military dictator Pervez Musharraf, a close friend of the Taliban, after 9/11: play ball with us and you stay in power; refuse to do so, and you’re history.

So why did the Taliban refuse to turn over bin Laden? For one thing, there wasn’t any extradition agreement between Afghanistan and the United States. And there is a long tradition in Muslim countries to treat foreign visitors as guests. Nevertheless, the Taliban did express a willingness to deliver bin Laden over to the United States or to a third country if U.S. officials provided convincing evidence that bin Laden had, in fact, been complicit in the 9/11 attacks. Was the demand unreasonable? Well, it would be nothing more than any government, including the United States, would expect in any extradition proceeding.

Bush’s response was that U.S. officials would not furnish any such evidence to the Taliban government. The Taliban simply needed to follow U.S. orders and turn bin Laden over to the United States, with no guarantees of what would happen to him once he was in U.S. custody. That is, there were no assurances that bin Laden would be brought back to the United States for trial for terrorism in federal district court instead of being turned over to the CIA for torture and execution.

The Taliban refused to accede to Bush's unconditional demand. The result was the U.S. invasion of Afghanistan, the ouster of the Taliban from power, the installation of a U.S.-approved regime, a nation ruled by regional warlords, the deaths of countless Afghans, the failure to capture bin Laden, and an ever-growing terrorist movement generated by ever-deepening anger and hatred against the United States.

Moreover, Bush's conflation of the Taliban and al-Qaeda into one amorphous "terrorist" group, when each group obviously had its own reasons for resisting the invasion and occupation of Afghanistan, ultimately set the stage for his "enemy-combatant" doctrine in the "war on terror" and the invasion and occupation of Iraq as part of the "war on terror," which would later be used to justify the Guantanamo Bay prison camp, Abu Ghraib, rendition, torture, and the military power to indefinitely incarcerate Americans and foreigners.

Did the United States have the legal and moral right to invade Afghanistan upon the Taliban's refusal to turn bin Laden over to the United States? Many Americans would undoubtedly respond, "Yes, absolutely. When a country experiences a terrorist attack, it has the legal and moral right to attack and invade a sovereign and independent country that refuses to comply with an unconditional demand to give up the suspected perpetrators."

Venezuela's war on terrorism

Well, if that's true then how would such proponents respond if, say, Venezuela attacked the United States for harboring terrorists? Would the proponents say, "I'm going to fight on the side of Venezuela because in the war on terror a country has the right to attack countries that are harboring terrorists"? Not likely.

Yet the U.S. response to Venezuela's extradition of a suspected terrorist named [Luis Posada Cariles](#), a former CIA operative, not only provides a good example of the hypocrisy of the U.S. government's "war on terror," it also shows how such a war leads inexorably toward endless international conflict and discord. After all, ask yourself, Can a world in which each country has the right to wage a war on terror under the principles followed by the U.S. government possibly be harmonious?

Posada is a prime suspect in the terrorist bombing of a civilian Cuban airliner whose flight originated in Venezuela in 1976. The plane crashed, killing 73 people, including several young members of a Cuban sports team. About a year ago, Posada made his way into the United States, prompting Venezuelan authorities to demand his extradition to Venezuela pursuant to the extradition agreement between the two nations.

U.S. officials, however, announced that they had no intention of returning Posada to Venezuela, extradition agreement or not, suggesting that they didn't care how much evidence of Posada's involvement in the terrorist attack Venezuela was able to provide. Their reason? While their stated reason for their decision is that Venezuela might torture Posada on his return, the real

reason was the U.S. government's natural sympathy toward anti-Castro Cuban exiles, including those who commit terrorist acts against the Cuban people.

But how is the U.S. government's response to Venezuela in the Posada case different from the Taliban's refusal to turn bin Laden over to the United States? If the U.S. government is going to refuse to turn over a terrorist suspect because of the possibility that he might be tortured, then how can it say that Afghanistan didn't have the same right, especially since a suspected terrorist is as likely to be tortured by the United States as he is by Venezuela? Or to put it another way, if Afghanistan was "harboring" a terrorist by refusing U.S. demands to turn him over, isn't the United States doing the same thing by refusing Venezuela's extradition request of Posada?

In fact, the farcical, chaotic, and destructive nature of the U.S. government's entire "war on terror" is easily exposed when one applies its principles universally to every other nation. That is, if the U.S. government has the right to wage a war on terror, then so has every other nation. That means then that every nation has the right to attack every other nation in which there are suspected terrorists. Cuba, for example, would have the right to attack the United States in order to kill or capture Posada and, for that matter, those Cuban-American citizens who are funding anti-Castro terrorist activity in Cuba.

Obviously, the only reason that the U.S. government is getting away with its "war on terror," including regime-change operations against Third World countries and military wars of aggression on sovereign and independent nations, is that it has overwhelming military strength, especially compared with Third World countries. In the U.S. government's war on terror, might makes right. But as the U.S. empire becomes increasingly overstretched by waging such a war, the American people are going to inevitably discover what lies at the end of that road: death, destruction, conflict, discord, terrorism, torture, rendition, and infringements on liberty.

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